

IN RE: PETITION FOR VARIANCE  
W/S Beethoven Avenue, 277.3' S  
to Gwynn Oak Avenue  
(5705 Gwynn Oak Avenue)  
1st Election District  
2nd Councilmanic District  
Shirley A. Swab, et al  
Petitioners

\* BEFORE THE  
\* DEPUTY ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY  
\* Case No. 93-181-A

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Variance filed by the owners of the subject property, Shirley A. and Ronda J. Swab, and the Contract Purchaser, Ruby M. Morgan. The Petitioners request relief from Section 1802.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 7 feet in lieu of the minimum required 10 feet for a proposed dwelling in accordance with Petitioner's Exhibits 1 and 3.

Appearing on behalf of the Petition was Ronda Swab. The Petitioners were represented by Bruce A. Kent, Esquire. Walter Conway, Sr. and Walter Conway, Jr. appeared and testified as Protestants in the matter. The Protestants were represented by Philip O. Tilghman, Esquire.

Testimony indicated that the subject property, known as 5705 Beethoven Avenue, consists of 7,485 sq.ft., more or less, zoned D.R. 5.5 and is improved with a partially completed dwelling. Said property is also known as Lot 49 of the subdivision known as Gwynn Oak Uplands. Testimony indicated the Petitioners commenced construction of a single family dwelling on the property in accordance with that depicted on Petitioner's Exhibit 3. During the course of construction, it was discovered that the foundation of the dwelling was not properly situated on the lot and that the south side wall of the dwelling was located within 7 feet of the adja-

cent property line. The Petitioners filed the instant Petition in order to correct the error.

Appearing and testifying in opposition to the Petitioners' request were the adjacent property owners, Walter Conway, Sr. and Walter Conway, Jr. The Conways are concerned about the subject dwelling being located 7 feet from their property line. They also introduced photographs of the subject property which depict a substantial grade change between the Petitioners' property and theirs which might result in water runoff damage. The Conways stated that if a retaining wall could be constructed between the two properties to insure there would be no erosion or other problems associated with this grade change, they would not be opposed to the Petitioner's request.

Subsequent to the hearing, I received a letter dated April 1, 1993 signed by Counsel for both the Protestants and the Petitioners which indicates that the two parties have reached an agreement concerning the proposed dwelling. Furthermore, the letter states that the Protestants have withdrawn their opposition to the granting of this variance. Accompanying said letter was a site plan for the proposed wall which has been marked as Exhibit A. Said letter and plan will be placed in the file and made a part of the permanent record in this case.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;

- 2 -

- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chassapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance is granted, such use, as proposed, will not be contrary to the spirit of the B.C.Z.R. and will not result in any injury to the public good.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of this variance request and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not cause any injury to the public health, safety or general welfare. Further, the granting of the Petitioner's request is in strict harmony with the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 5th day of April, 1993 that the Petition for Variance requesting relief from Section 1802.3.C.1 of the Baltimore County

- 3 -

Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 7 feet in lieu of the minimum required 10 feet for a proposed dwelling in accordance with Petitioner's Exhibits 1 and 3, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
- 2) The Petitioners shall be required to construct a retaining wall along the common property line adjoining the Conway property. Said retaining wall shall be constructed in accordance with the site plan submitted and identified herein as Exhibit A. The subject wall shall be completed no later than one (1) year from the date of this Order.
- 3) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

TMK:bjs

*Timothy M. Kotroco*  
TIMOTHY M. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County

- 4 -

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning

Suite 113 Courthouse  
400 Washington Avenue  
Towson, MD 21204

April 5, 1993

(410) 887-4386

Bruce A. Kent, Esquire  
5517 Oregon Avenue  
Arbutus, Maryland 21229

RE: PETITION FOR VARIANCE  
W/S Beethoven Avenue, 277.3' to the S/S of Gwynn Oak Avenue  
(5705 Beethoven Avenue)  
1st Election District - 2nd Councilmanic District  
Shirley A. Swab, et al - Petitioners  
Case No. 93-181-A

Dear Mr. Kent:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

*Timothy M. Kotroco*  
TIMOTHY M. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County

TMK:bjs

cc: Philip O. Tilghman, Esquire  
102 W. Pennsylvania Avenue, Suite 501, Towson, Md. 21204

People's Counsel

file

(VIOLATION) See Case C-93-353 190  
**Petition for Variance**  
to the Zoning Commissioner of Baltimore County  
for the property located at 5705 Beethoven Avenue  
which is presently zoned DR-5.5

This Petition shall be filed with the Office of Zoning Administration and Development Management.  
The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1802.3.C.1(DR-5.5) to permit a sideyard setback of 7 feet in lieu of required minimum of 10 feet.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)  
*foundation was miss located by builder*

Property is to be posted and advertised as prescribed by Zoning Regulations.  
I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contact Purchaser(s)  
*Ruby M. Morgan*  
*Ruby M. Morgan*  
*206 "O" St*  
*Glen Burnie MD 21061*

Attorney for Petitioner  
*Bruce A. Kent*  
*Bruce A. Kent*  
*5517 Oregon Ave*  
*Arbutus MD 21227*

Legal Owner(s)  
*Shirley A. Swab*  
*Shirley A. Swab*  
*Ronda J. Swab*  
*Ronda J. Swab*  
*5703 Gwynn Oak Ave*  
*Baltimore MD 21207*

Attorney for Owner(s)  
*Shirley & Ronda Swab*  
*5703 Gwynn Oak Ave*  
*Arbutus MD 21227*

ORDER RECEIVED FOR FILING  
Date 4/5/93  
By [Signature]

**MCKEE & ASSOCIATES, INC.**  
Engineering - Surveying - Real Estate Development

SHAWAN PLACE, 5 SHAWAN ROAD HUNT VALLEY, MARYLAND 21030  
Telephone: (410) 527-1555  
Facsimile: (410) 527-1503

November 17, 1992

ZONING DESCRIPTION OF  
5705 BEETHOVEN AVENUE  
FIRST ELECTION DISTRICT  
BALTIMORE COUNTY, MARYLAND

Beginning at a point on the west side of Beethoven Avenue (50 feet wide), at the distance of 277'-3" to the south side of Gwynn Oak Avenue (variable width right-of-way). Being Lot 49 in the subdivision of Gwynn Oak Uplands as recorded in Baltimore County Plat Book 3; folio 11.

Containing 0.17 acres more or less. Also known as No. 5705 Beethoven Avenue and located in the First Election District of Baltimore County.



**CERTIFICATE OF POSTING**  
ZONING DEPARTMENT OF BALTIMORE COUNTY  
Towson, Maryland

District 13.5 Date of Posting 12/18/92  
Posted for: Variance  
Petitioner: Shirley & Ronda Swab & Ruby Morgan  
Location of property: W/S Beethoven Ave, 277.3' to S/S Gwynn Oak Uplands  
Location of Sign: 661-1-4, 206 "O" St, Property of Ronda Swab  
Remarks: \_\_\_\_\_  
Posted by: Matthew Date of return: 12/18/92  
Number of Signs: 1

**CERTIFICATE OF PUBLICATION**

TOWSON, MD. 12/10, 1992

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 12/10, 1992

THE JEFFERSONIAN,

*S. Zeke Oliver*  
Publisher

\$61.02

**Baltimore County**  
Zoning Administration &  
Development Management  
111 West Chesapeake Avenue  
Towson, Maryland 21204

Account: R-001-6150  
Number: 1193601199

Date: 11/27/92

PUBLIC HEARING FEES QTY PRICE  
010 -POSTING VARIANCE (1P) 1 X \$50.00  
TOTAL: \$50.00

LAST NAME OF OWNER: SWAB

PAID PER HAND-WRITTEN RECEIPT DATED 11/23/92

Please Make Checks Payable To: Baltimore County

Cashier Validation

**BALTIMORE COUNTY, MARYLAND**  
OFFICE OF FINANCE - REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT

No. 130323

DATE: 11-22-92 ACCOUNT: R-001-6150

AMOUNT: \$ 50.00

RECEIVED FROM: RUBY M. MORGAN

FOR: VARIANCE

ON HANDS OF CASHIER  
111 West Chesapeake Avenue  
Towson, Maryland 21204

VALIDATION OR SIGNATURE OF CASHIER

50.00

**Baltimore County**  
Zoning Administration &  
Development Management  
111 West Chesapeake Avenue  
Towson, Maryland 21204

Account: R-001-6180  
Number: M9300196

Date: 1/06/93

PUBLIC HEARING FEES QTY PRICE  
050 -POSTING SIGNS / ADVERTISING 1 X \$61.02  
TOTAL: \$61.02

LAST NAME OF OWNER: SWAB

PAID PER HAND-WRITTEN RECEIPT DATED 11/23/92

Please Make Checks Payable To: Baltimore County

Cashier Validation

**Baltimore County Government**  
Office of Zoning Administration  
and Development Management

111 West Chesapeake Avenue  
Towson, MD 21204 (410) 887-3353

DATE: 12/17/92

Shirley and Ronda Swab  
5703 Geym Oak Avenue  
Baltimore, Maryland 21207

RE:  
CASE NUMBER: 93-181-A (Item 190)  
W/S Beethoven Avenue, 277.3' S/S Geym Oak Uplands  
5705 Beethoven Avenue  
1st Election District - 2nd Councilmanic  
Legal Owner(s): Shirley A. Swab and Ronda J. Swab  
Contract Purchaser(s): Ruby M. Morgan  
HEARING: THURSDAY, JANUARY 7, 1993 at 11:00 a.m. in Room 106, County Office Building.

Dear Petitioner(s):

Please be advised that \$ 61.02 is due for advertising and posting of the above captioned property and hearing date.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please forward your check via return mail to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 109, Towson, Maryland 21204. Place the case number on the check and make same payable to Baltimore County, Maryland. In order to avoid delay of the issuance of proper credit and/or your order, immediate attention to this matter is suggested.

ARNOLD JABLON  
DIRECTOR

cc: Bruce A. Kent, Esq.

**Baltimore County Government**  
Office of Zoning Administration  
and Development Management

111 West Chesapeake Avenue  
Towson, MD 21204 (410) 887-3353

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 93-181-A (Item 190)  
W/S Beethoven Avenue, 277.3' S/S Geym Oak Uplands  
5705 Beethoven Avenue  
1st Election District - 2nd Councilmanic  
Legal Owner(s): Shirley A. Swab and Ronda J. Swab  
Contract Purchaser(s): Ruby M. Morgan  
HEARING: THURSDAY, JANUARY 7, 1993 at 11:00 a.m. in Room 106, County Office Building.

Variance to permit a side yard setback of 7 feet in lieu of the required minimum of 10 feet.

ARNOLD JABLON  
Director

cc: Shirley and Ronda Swab  
Ruby M. Morgan  
Bruce A. Kent, Esq.

NOTE: HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.

cc: Walter Conway

**Baltimore County Government**  
Office of Zoning Administration  
and Development Management

111 West Chesapeake Avenue  
Towson, MD 21204 (410) 887-3353

December 29, 1992

Bruce A. Kent, Esquire  
5517 Oregon Avenue  
Arbutus, MD 21227

RE: Case No. 93-181-A, Item No. 190  
Petitioner: Shirley A. Swab, et al  
Petition for Variance

Dear Mr. Kent:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.

**Baltimore County Government**  
Office of Zoning Administration  
and Development Management

111 West Chesapeake Avenue  
Towson, MD 21204 (410) 887-3353

Your petition has been received and accepted for filing this 23rd day of November 1992.

ARNOLD JABLON  
DIRECTOR

Received By:  
W. Carl Richards, Jr.  
Chairman,  
Zoning Plans Advisory Committee

Petitioner: Shirley A. Swab, et al  
Petitioner's Attorney: Bruce A. Kent

**Department of Environmental Protection & Resource Management**  
Development Review Committee Response Form  
Authorized signature: *K. Thomas Kelly* Date: 12/28/92

File Number	Waiver Number	Zoning Issue	Meeting Date
Baker Land Company	200		12-21-92
DED DEPRM RP STP TE			<i>In process</i>
Kenneth E. and Carol C. Lentz	201		
DED DEPRM RP STP TE			<i>In process</i>
Aubrey N. and Ruth N. Freeman	202		
DED DEPRM RP STP TE			<i>NO comments</i>
COUNT 4			
Preakness Silver Hill, Inc.	180		12-7-92
DED DEPRM RP			<i>NO comments</i>
Satyr Limited Partnership	184		
DED DEPRM RP			<i>NO comments</i>
Frank and Joan Eck	187		<i>Written comments</i>
DED DEPRM RP			
Federal Realty Investment Trust	188		
DED DEPRM RP			<i>NO comments</i>
Shirley A. and Ronda J. Swab	190		
DED DEPRM RP STP			<i>NO comments</i>
COUNT 5			
FINAL TOTALS			
COUNT 17			
*** END OF REPORT ***			

Rec'd 1/4/93

**BALTIMORE COUNTY, MARYLAND**  
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: December 14, 1992  
Zoning Administration and Development Management

FROM: Robert W. Bowling, P.E., Chief  
Developers Engineering Division

RE: Zoning Advisory Committee Meeting  
for December 14, 1992  
Item No. 190

The Developers Engineering Division has reviewed the subject zoning item. We recommend requiring a landscape buffer plan.

RWB:DAK:s

Rec 12/16/92





**Maryland Department of Transportation  
State Highway Administration**

O. James Lighthizer  
Secretary  
Hal Kassoff  
Administrator

12/14/92  
9

Ms. Julie Winiarski  
Zoning Administration and  
Development Management  
County Office Building  
Room 109  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

Re: Baltimore County  
Item No. 190 (RT)  
Shirley A. Swab & Ronda J. Swab

Dear Ms. Winiarski:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration projects.

Please contact David Ramsey at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

David A. Ramsey 12/3/92  
John Contestabile, Chief  
Engineering Access Permits  
Division

RECEIVED  
DEC 7 1992  
ZONING OFFICE

My telephone number is \_\_\_\_\_

Teletypewriter for Impaired Hearing or Speech  
383-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-492-5082 Statewide Toll Free  
707 North Calvert St., Baltimore, Maryland 21203-0717

**BALTIMORE COUNTY, MARYLAND**

**INTER-OFFICE CORRESPONDENCE**

TO: Arnold Jablon, Director  
Zoning Administration and  
Development Management  
DATE: December 9, 1992

FROM: Ervin McDaniel, Chief  
Office of Planning and Zoning  
Development Review Section

SUBJECT: Petitions from Zoning Advisory Committee  
(November 23, 1992 and December 7, 1992)

The Office of Planning and Zoning has no comments on the following petitions:

Rascoe Phipps, Item No. 166  
Goldenwood Associates, Item No. 175  
Preakness Silver Hill, Inc., Item No. 180  
Timothy and Meredith Scott, Item No. 186  
Beatriz and Enrique Clausen, Item No. 189  
Shirley and Ronda Swab, Item No. 190

If there should be any further questions or if this office can provide additional information, please contact Francis Morsey in the Office of Planning at 887-3211.

Prepared by: Francis Morsey

Division Chief: Ervin McDaniel

EMcD/FM:rdn

180.ZAC/ZAC1

DPW/Traffic Engineering  
Development Review Committee Response Form  
Authorized signature: Philip O. Tilghman Date: 12/14/92

File Number	Waiver Number	Zoning Issue	Meeting Date
VENICE K. PATERAKIS			
DED DEPRM RP STP TE	176	NIC	11-30-92
John and Constance Morabito			
DED DEPRM RP STP TE	179	NIC	
Edward J. and Joyce A. Benesch			
DED DEPRM RP STP TE	181	NIC	
Edward T. and Leigh Ann Schneider			
DED DEPRM RP STP TE	182	NIC	
Dale and Sue Chambers			
DED DEPRM RP STP TE	183	NIC	
COUNT 5			
① Preakness Silver Hill, Inc.	180	NIC	12-7-92
DED DEPRM RP STP TE			
Satyr Limited Partnership			
DED DEPRM RP STP TE	184	NIC	
② Timothy L. and Meredith L. Scott	186	NIC	
DED DEPRM RP STP TE			
Frank and Joan Eck			
DED DEPRM RP STP TE	187	NIC	
③ Federal Realty Investment Trust	188	NIC	
DED DEPRM RP STP TE			
Beatriz H. and Enrique R. Clausen	189	NIC	
DED DEPRM RP STP TE			
④ Shirley A. and Ronda J. Swab	190	NIC	

**Baltimore County Government  
Fire Department**

700 East Joppa Road Suite 901  
Towson, MD 21286-5591

DECEMBER 1, 1992

(410) 887-4500

Arnold Jablon  
Director  
Zoning Administration and  
Development Management  
Baltimore County Office Building  
Towson, MD 21204

RE: Property Owner: SHIRLEY A. SWAB AND RONDA J. SWAB  
Location: #5705 BEETHOVEN AVENUE

Item No.: 190 (RT) Zoning Agenda: DECEMBER 7, 1992

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: Carl J. Jaffer Noted and  
Planning Group Approved  
Special Inspection Division Fire Prevention Bureau

JP/KEK

**BALTIMORE COUNTY, MARYLAND**

**INTER-OFFICE CORRESPONDENCE**

TO: James Byer  
Zoning Supervisor  
Date: 12/18/92

FROM: James Thompson  
Zoning Enforcement Coordinator

Item No.: 190 (if known)  
SUBJECT: Petitioner: Shirley Swab (if known)

VIOLATION CASE # 93-123 C1

LOCATION OF VIOLATION 5716 Beethoven Ave  
DEFENDANT Ronda Swab ADDRESS 5703 Gwynn Oak

Please be advised that the aforementioned petition is the subject of an active violation case. When the petition is scheduled for a public hearing, please notify the following persons:

NAME ADDRESS  
Walter Conway 5707 Gwynn Oak Ave  
Baltimore MD 21207

After the public hearing is held, please send a copy of the Zoning Commissioner's Order to the Zoning Enforcement Coordinator, so that the appropriate action may be taken relative to the violation case.

93-181-A

**BALTIMORE COUNTY, MARYLAND**  
DEPARTMENT OF PERMITS AND LICENSES  
TOWSON, MARYLAND 21204

**BUILDING PERMIT**

PERMIT #: B122244 CONTROL #: NR DIST: 01 PREC: 01  
DATE ISSUED: 04/22/92 TAX ACCOUNT #: 0106572480 CLASS: 04

PLANS: CONST 2 PLOT 7 R PLAT 0 DATA 0 ELEC YES PLUM YES  
LOCATION: 5716 BEETHOVEN AVE  
SUBDIVISION: GWYNN OAK UPLANDS

OWNERS INFORMATION  
NAME: SWAB, RONDA & SHIRLEY  
ADDR: 5703 GWYNN OAK AVE. BALTO., MD. 21207

TENANT:  
CONTR: OWNER  
ENCLER:  
SELLER:  
WORK: CONST. A BFD, NO FIREPLACE. 1 STY W/FULL BMT.  
3 BEDROOMS. 40'X26'X22' = 2,080 S.F.

BLDG. CODE: DECA CODE  
RESIDENTIAL CATEGORY: DETACHED OWNERSHIP: PRIVATELY OWNED

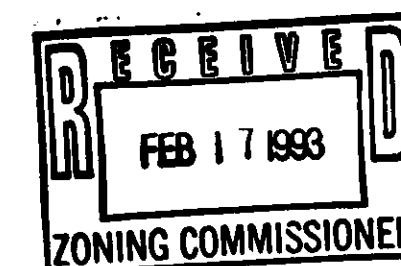
ESTIMATED \$ PROPOSED USE: BFD  
70,000.00 EXISTING USE: VACANT

TYPE OF IMPRV: NEW BUILDING CONSTRUCTION  
USE: ONE FAMILY  
FOUNDATION: BLOCK BASEMENT: FULL  
SEWER: PUBLIC EXIST WATER: PUBLIC EXIST

LOT SIZE AND SETBACKS  
SIZE: 040/090X097/152  
FRONT STREET:  
SIDE STREET:  
FRONT SETB: 25  
SIDE SETB: 10/10  
SIDE STR SETB: 45

THIS PERMIT  
EXPIRES ONE  
YEAR FROM DATE  
OF ISSUE

190



**PHILIP OGLE TILGHMAN**  
ATTORNEY AND COUNSELOR AT LAW  
4305 WALTER AVENUE  
BALTIMORE, MARYLAND 21214  
(410) 428-5038

February 9, 1993

Bruce A. Kent, Esquire  
5517 Oregon Avenue  
Arbutus, Md. 21227

RE: Conway vs. Swab and Morgan  
Circuit Court Balto County 92CV9477 34/388  
and  
Petition for Zoning Variance 93-181-A Item No. 190

Dear Bruce:

I was disappointed when you told me in our recent telephone conversation that you were apparently getting nowhere with the Swabs/Morgan's new builder in getting a commitment and plans for the retaining wall. Frankly, I expected this, although I hoped I would be wrong, when the defendants insisted that their new builder could do the wall rather than use one of the contractors obtained by the plaintiffs.

An agreement as to the retaining wall, made by the parties, was to be given to the Zoning Commissioner by January 28, 1993 (20 days after the hearing), so that he might then grant the side yard variance. Since over 30 days as elapsed, and your clients seem not to take the matter seriously - for whatever strange reasons they may have, I am forced to recommend to my clients that the Commissioner be notified that no such agreement could be reached and that their objection to granting the variance is not withdrawn.

Please call me on this. Perhaps we can work it out if your people will agree to use the plans/contractor we have.

If nothing is resolved in a week or so, we will assume it will not be.

Very truly yours, Philip O. Tilghman

PT/t

c.c. Walter W. Conway  
Timothy M. Kotrocco, Dep. Comm

**BURGAN AND McDONNELL**

ATTORNEYS AT LAW  
102 W. PENNSYLVANIA AVENUE  
SUITE 501  
TOWSON, MARYLAND 21204  
(301) 337-3755

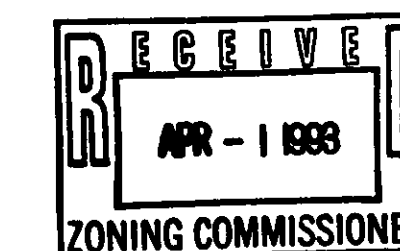
April 1, 1993

Timothy M. Kotrocco  
Deputy Zoning Commissioner  
Baltimore County Zoning Office  
Towson, Maryland 21204

RE: Case No. C-93-353  
5716 Beethoven Avenue  
Setback violation - Application for variance  
Hearing on July 12, 1993

Dear Mr. Kotrocco:

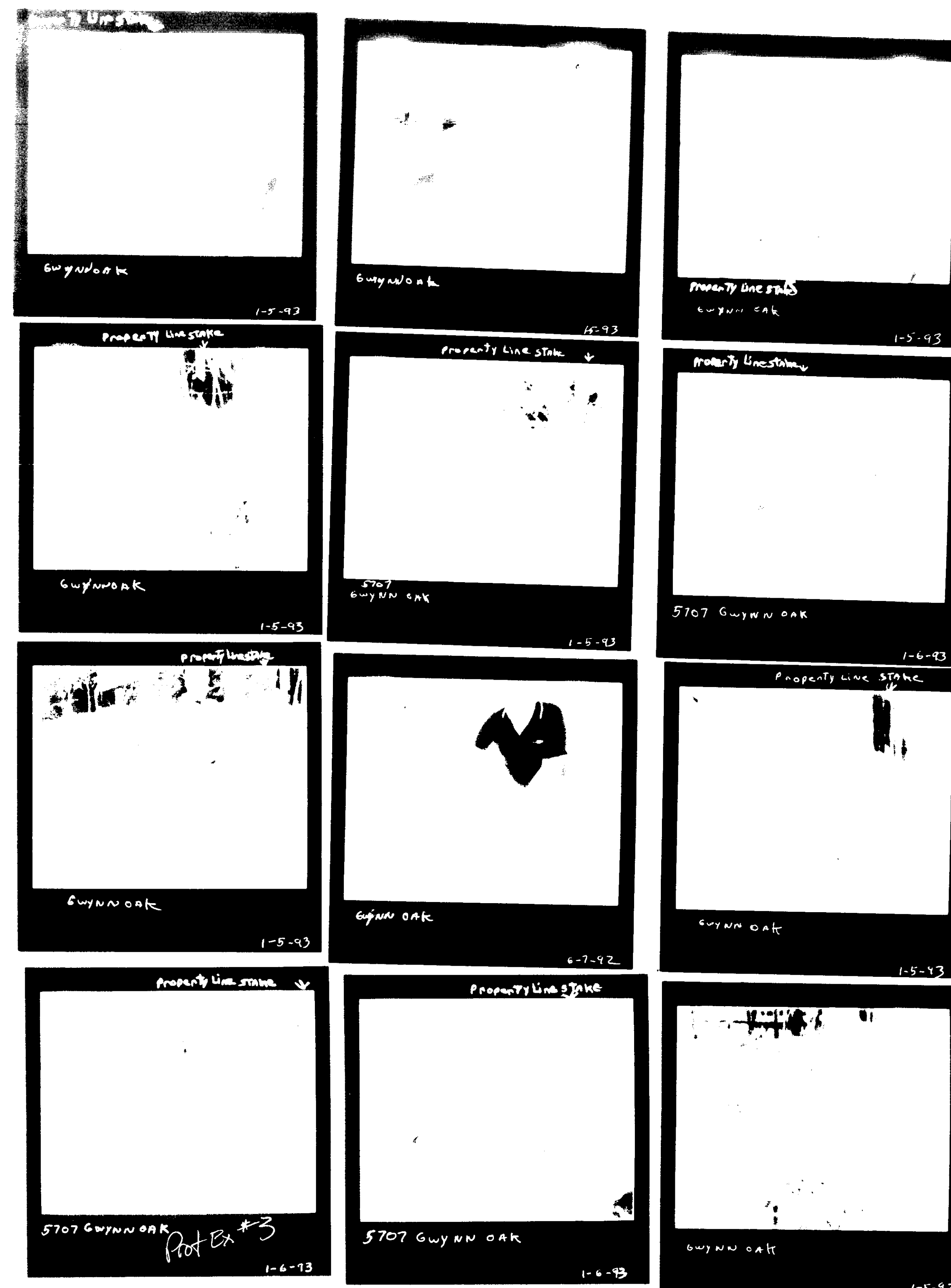
Please be advised that the protestants, Walter W. Conway, Sr. and Jr., have withdrawn their opposition to the granting of the variance to the sideyard setback requirements. They and the applicants have reached an agreement to satisfy their objections.



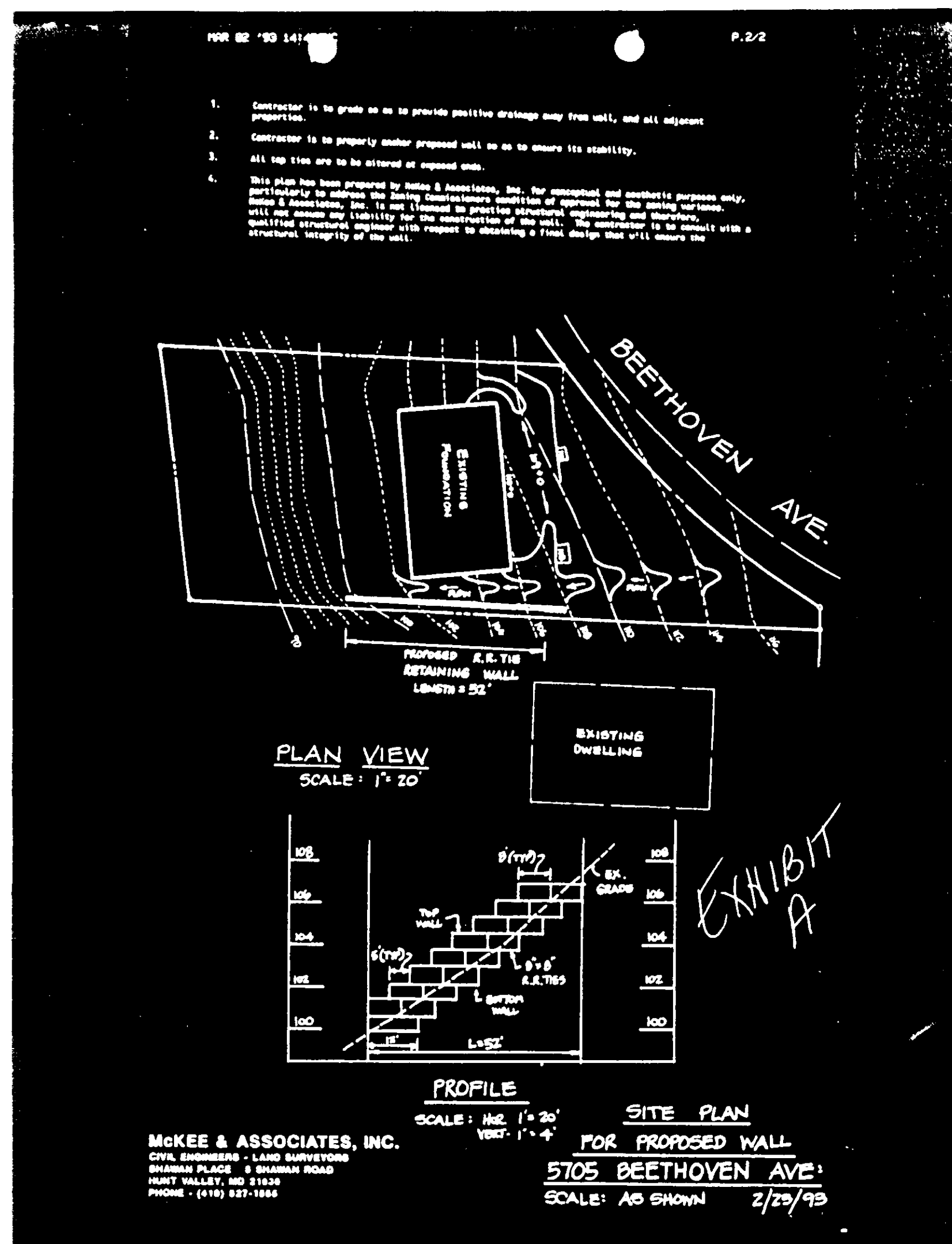
Very truly yours,

Philip O. Tilghman  
Philip O. Tilghman  
Attorney for protestants

Bruce A. Kent  
Bruce A. Kent  
Attorney for applicants







**PROPOSAL**

*Solar Construction*  
Box 220 RT 7 450-8016  
Sewer Rd MD 21444 764-6043

No. 142  
Date: 1/2/93  
Sheet No. 1

Proposal Submitted To:  
Name: *Conway, Mr. Walter*  
Street: *5705 Gwynn Oak Ave.*  
City: *Baltimore*  
State: *MD*  
Phone: *760-2932*

Work To Be Performed At:  
Street: *LOT 49*  
City: *Gwynn Oak Ave.* State: *MD*  
Date of Plans: *2/2/93*  
Architect:

We hereby propose to furnish the materials and perform the labor necessary for the completion of  
*New house construction in accordance with City and County codes. All work to conform with drawings. Some changes to be made in plan. All work to be done by Solar Construction. The existing retaining wall is to be removed and replaced with a new retaining wall. The new retaining wall is to be constructed of concrete and is to be 6 feet high. The new retaining wall is to be constructed of concrete and is to be 6 feet high. The new retaining wall is to be constructed of concrete and is to be 6 feet high.*

All material is guaranteed to be as specified, and the above work to be performed in accordance with the drawings and specifications submitted for above work and completed in a substantial workmanlike manner for the sum of Dollars (\$5,500.00) with payments to be made as follows: *in three equal payments of \$1,833.33 each.*

Any alteration or deviation from above specifications involving extra costs, shall be made only upon written order, and will be charged to the owner. All materials and labor shall be furnished by the contractor. The contractor shall be responsible for obtaining all necessary permits and licenses. The contractor shall be responsible for obtaining all necessary permits and licenses. The contractor shall be responsible for obtaining all necessary permits and licenses.

Respectfully submitted, *Solar Construction*  
Per: *Michael L. Dunning* 1317-79  
Note: This proposal may be withdrawn by us if not accepted within 90 days.

**ACCEPTANCE OF PROPOSAL**  
The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.  
*1317-79*

**PROPOSAL**

*Ret Ex #4*

Lt. 49 Gwynn Oak Ave.  
A deposit of \$500.00 on April 22, 1992 for Russ to pickup hvac Equipment. The heat pump is in my garage

\$3000.00	deposit	4/24/92
\$3000.00		4/15/92
\$3000.00		4/15/92
\$3000.00		4/27/92
\$700.00		5/28/92
\$2000.00		6/4/92
\$4000.00		
\$3000.00		
\$1500.00		6/15/92
\$7000.00		7/2/92
200.00		to pay his son for back fill dirt
\$1317.70		materials that I PAY FOR
\$2000.00		deposit for plumber. This was a separate contract.

**\$34,217.70 TOTAL**

There is no more than \$5000.00 in materials and labor in Gwynn Oak Ave. He did not pay his help, and we do not know if suppliers have been paid for sure.

One of Russ workers told me that Russ did DRUGS this week. Looking at the large sum of money I feel that he dell drugs also. I have seen him many time when he has paid the garage rent with large sums of money.

**PROPOSAL**

**MARYLAND LANDSCAPE SERVICES**  
514 HARWOOD AVENUE  
BALTIMORE, MARYLAND 21212  
(410) 532-1081

No. 1299  
Date 4 January 1993  
Sheet No. 1

Proposal Submitted To:  
Name: *Mr. Walter Conway*  
Street: *7523 Roldrev Ave.*  
City: *Towson*  
State: *Maryland 21204*  
Phone: *828-6130 / 944-1940*

Work To Be Performed At:  
Street: *5707 Gwynn Oak Ave.*  
City: *Baltimore*  
State: *MD. 21207*  
Date of Plans: *N/A*  
Architect:

We hereby propose to furnish the materials and perform the labor necessary for the completion of  
**TREATED LANDSCAPE TIE RETAINING WALL CONSTRUCTION (75 1.f.)**

- Excavate just beyond property line (marked by survey stakes)
- Install ties -6" high at lower end tapering to 2" at upper end
- place granular fill, for drainage, behind wall
- Backfill and grade soil

**NOTES:**

- Wall is necessary to retain excavated soil which is spilling over onto 5707 Gwynn Oak Ave.
- This estimate is not binding until an engineers drawing is made available and estimate revised to reflect engineers changes if necessary.

All material is guaranteed to be as specified, and the above work to be performed in accordance with the drawings and specifications submitted for above work and completed in a substantial workmanlike manner for the sum of Dollars \$9,760.00 with payments to be made as follows: *One third upon signing of contract, one third upon start of work, and final one third upon completion.*

Any alteration or deviation from above specifications involving extra costs, shall be made only upon written order, and will be charged to the owner. All materials and labor shall be furnished by the contractor. The contractor shall be responsible for obtaining all necessary permits and licenses. The contractor shall be responsible for obtaining all necessary permits and licenses. The contractor shall be responsible for obtaining all necessary permits and licenses.

Respectfully submitted, *MARYLAND LANDSCAPE SERVICES*  
Per: *Michael L. Dunning*  
Note: This proposal may be withdrawn by us if not accepted within 30 days.

**MARYLAND LANDSCAPE SERVICES**

**PROPOSAL**

**GREEN BROOK LANDSCAPE, INC.**  
P.O. Box 4893  
TOWSON, MD 21203  
(410) 560-2241

Prot Ex #2

MHC #40721  
Contract #5124

Client: *Mr. Conway*  
5707 Gwynn Oak Ave.  
Baltimore, MD 21207  
Date: January 06, 1993

We the undersigned hereby submit a contract for the following:  
**RETAINING WALL INSTALLATION**  
**5705 GWYNN OAK AVE.**  
**NEIGHBORING THE CONWAYS**

Description: Due to lack of retaining devices, raising earth elevation for the construction of a new house has caused a great amount of soil to erode on to Mr. Conways property. Causing an unsightly effect. The following is a remedy to not only make Mr. Conway happy, but also to improve the soil stability of neighboring new house.

- Preparation:
  - Includes excavating soil to pre-existing grade - off of the Conways property.
  - Includes trenching 2' below pre-existing grade where new wall is to be installed.
- Installation:
  - Includes using approx. 600 linear feet of .40, 6x6" pressure treated lumber.
  - Includes using approx. 70 linear feet of .40, 6x10" pressure treated timbers for vertical anchors - to be set in concrete.
  - Includes using 3/8" rebar & 12" galvanized spikes to secure layers of retaining wall.

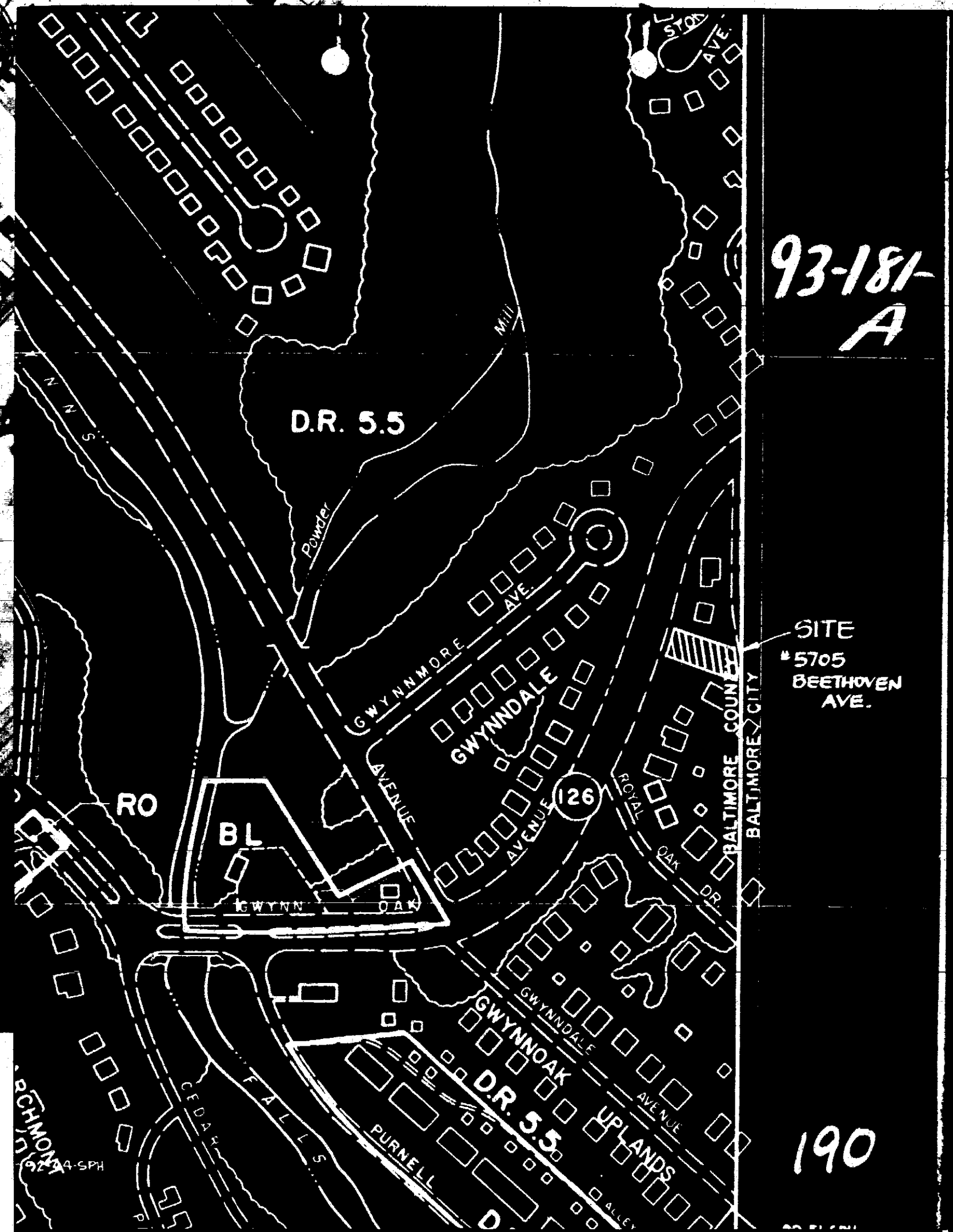
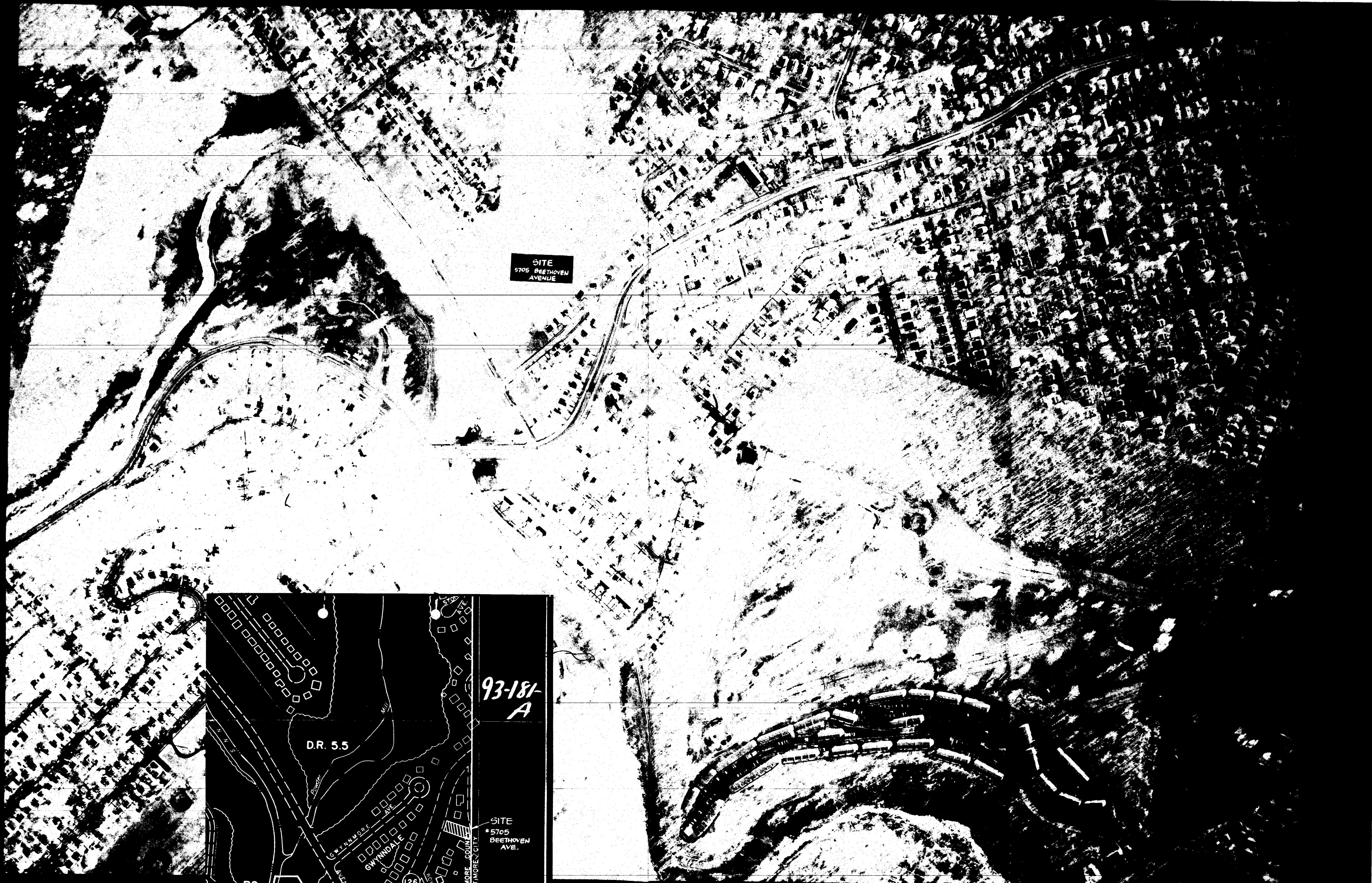
All services guaranteed in accordance with the specifications submitted for the work outlined above, and to be completed in a substantial and workmanlike manner for the sum of seven thousand five hundred dollars (\$7,500.00).

A deposit in the amount of \$1,000.00 is required prior to delivery of materials. The balance sum of 5000.00 is due upon completion of the work outlined within this contract.

Any alteration or deviation from the above specifications will be executed only upon a written agreement and will be an extra charge over and above the original contract. All agreements contingent upon accidents or delays beyond our control.

Respectfully submitted, *GREEN BROOK LANDSCAPE, INC.*  
Per: *Michael L. Dunning*  
Note: This proposal may be withdrawn by us if not accepted within 30 days.





PREPARED BY AIR PHOTOGRAPHICS, INC.  
MARTINSBURG, W. V. 25401

# BALTIMORE COUNTY OF PLANNING AND ZONING PHOTOGRAPHIC MAP

SCALE  
1" = 200'

LOCATION

SHEET

DATE  
OF  
PHOTOGRAPHY  
JANUARY  
1986

GWYNN OAK  
WOODLAWN

NW  
3-E